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Board of Vocational Nursing and Psychiatric Technicians

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Attorneys for Complainant

BEFORE THE

BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

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In the Matter of the Accusation Against:

Case No. VN-2004-491

CATHERINE MARIE BYKOWSKI, a.k.a. CATHERINE MARIE RANKIN, a.k.a.

CATHERINE MARIE SANDERS

1.

Department of Consumer Affairs.

2.

7511 Creekside Lane

Citrus Heights, CA 95610

Vocational Nurse License No. VN 76003

Respondent.

Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"),

PARTIES

Complainant brings this Accusation solely in her official capacity as the

On or about February 4, 1977, the Board issued Vocational Nurse License

ACCUSATION

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Vocational Nurse License

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No. VN 76003 to Catherine Marie Bykowski ("Respondent"), also known as Catherine Marie 26 Rankin and Catherine Marie Sanders. The Vocational Nurse License will expire on July 31,

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2009, unless renewed.

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		STATUTORY PROVISIONS
	3.	Section 2875 of the Business and Professions Code ("Code") provides, in
pertinent part, t	hat the	Board may discipline the holder of a vocational nurse license for any
reason provided	l in Ar	ticle 3 (commencing with Code section 2875) of the Vocational Nursing
Practice Act.		
	4.	Code section 118, subdivision (b) provides, in pertinent part, that the
expiration of a	license	shall not deprive the Board jurisdiction to proceed with a disciplinary
action during th	e perio	od within which the license may be renewed, restored, reissued or
reinstated. Und	ler Coo	de section 2892.1, the Board may renew an expired license at any time

5. Code section 2878 states, in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

(a) Unprofessional conduct. . . .,

within four years after the expiration.

- (f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.
 - 6. Code section 2878.5 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

- (b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.
- (c) Be convicted of a criminal offense involving possession of any narcotic or dangerous drug, or the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, in which event the record of the conviction is conclusive evidence thereof.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or

violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

8. Respondent has subjected her license to discipline under Code section 2878, subdivision (f), in that on November 23, 2004, in the Superior Court, County of Placer, in the matter entitled *People vs. Catherine Marie Bykowski* (Super. Ct. Placer Cty., 2004, Case Number 62-43174), Respondent was convicted by the court on her plea of nolo contendere to a violation of Vehicle Code section 23152, subdivision (a) (driving under the influence of alcohol), a misdemeanor; and, Penal Code section 273, subdivision (a) (child abuse/endangerment - great bodily injury or death likely), a felony. The circumstances of the crime are that on or about April 21, 2004, Respondent was arrested for driving under the influence of alcohol. Also in the vehicle with Respondent at the time of her arrest was a minor child, aged 4 years. Such conduct is substantially related to the qualifications, functions, and duties of a licensed vocational nurse.

SECOND CAUSE FOR DISCIPLINE

(Criminal Conviction Involving Alcoholic Beverages)

9. Respondent has subjected her license to discipline under Code section 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2878.5, subdivision (c), in that Respondent has been convicted of a crime involving alcoholic beverages, as set forth in paragraph 8, above.

THIRD CAUSE FOR DISCIPLINE

(Used Alcoholic Beverages to an Extent or in a Manner Dangerous or Injurious to Herself or Others)

10. Respondent has subjected her license to discipline under Code section 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2878.5, subdivision (b), in that on or about April 21, 2004, Respondent used alcoholic beverages to an extent or in a manner dangerous or injurious to herself or others, as set forth in paragraph 8, above.

PRAYER

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2	WHEREFORE, Complainant requests that a hearing be held on the matters
3	herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
4	Technicians issue a decision:
5	1. Revoking or suspending Vocational Nurse License No. VN 76003, issued
6	to Catherine Marie Bykowski, also known as Catherine Marie Rankin and Catherine Marie
7	Sanders;
8	2. Ordering Catherine Marie Bykowski, also known as Catherine Marie
9	Rankin and Catherine Marie Sanders to pay the Board of Vocational Nursing and Psychiatric
10	Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to
11	Code section 125.3; and,
12	3. Taking such other and further action as deemed necessary and proper.
13	DATED: January 16, 2008
14	DATED
15	A BO
16	TERESA BELLO-JONES, J.D., M.S.N., R.N.
17	Executive Officer Board of Vocational Nursing and Psychiatric Technicians
18	Department of Consumer Affairs State of California
19	Complainant
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